

# #RightTrack



## Getting on the #RightTrack means creating a fair asylum process

When any of us deal with the law, we expect to have a fair chance to present our case. When people seek asylum they, like any of us, should have access to a fair and dignified process.

### THE CURRENT SITUATION

**People who came by sea have been waiting - many for three, four and some even five years - for the Government to allow them to begin the process of applying for asylum.**

While people were told to wait and denied the right to work, the Government changed the rules and introduced a different application process which discriminates against people who came by sea. It is a deliberate attempt to reduce someone's chance of being given refugee status.

On top of this, the Government chose to **cut access to funded legal assistance** for most people who came by sea.

This means people may be left unassisted to navigate this process, which:

- operates within **short timeframes**, meaning people may rush to lodge their applications which increases the risk of omitting vital information;
- requires completion of **complex legal application forms** (60+ pages), only available in English;
- denies the right of **meaningful review** for unsuccessful applications, which means if initially rejected someone's case is simply looked at a second time, generally without any opportunity to add information.

**The worst-case scenario is that our Government may deport people who would otherwise be found to be refugees back to harm.**

If someone's application is accepted, the best case scenario is that the Government only offers people **temporary protection visas**, limiting asylum to three or five years.

- This leaves people in a state of social and financial limbo, denying them the opportunity to become a part of our community and prosper.
- These visas do not permit family reunion and restrict travel, so people cannot rebuild their lives with their families.

This process only applies to people who came by sea - for those who come by plane, the Government has maintained a process with meaningful review, and offers permanent protection visas so people can get on with rebuilding their lives.

### GETTING ON THE #RIGHTTRACK

**A process that treats all people fairly and with respect should:**

- be accessible and transparent, with clearly-communicated timelines and adequate language support;
- be the same for all people regardless of their date or means of arrival;
- have a timeframe that allows for sound legal advice and considered preparation of applications;
- restore funding for legal assistance, and provide the necessary support for people to access that service;
- restore the right to appeal a negative decision, with a fair and meaningful review process that is consistent with standards enjoyed by all;
- make every effort to ensure people live in safety in our community while their application is assessed, not in detention;
- restore permanent protection for people seeking asylum and their families once they have been found to be refugees.

**Getting on the #RightTrack is up to us.**

**Join the movement to get our future with people seeking asylum on the #RightTrack:**

<http://www.asrc.org.au/campaigns/righttrack>

For more information:  
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[asrc.org.au](http://asrc.org.au)



# The Asylum Process

## - The Facts

- In August 2012 the Gillard Government put a freeze on the refugee application process for all people who arrived by sea.
  - This left approximately 24,500 people seeking asylum, including 4,395 children, in the community (about 11,000 in Victoria) waiting in limbo to make their claim, many for more than three years.
  - These are people who arrived by sea between August 2012 and July 2013, when the Rudd Government barred anyone coming by sea from ever entering Australia. It also includes people who arrived before August 2012, but whose cases were being assessed when the freeze was implemented. For these people, they may have already been waiting a number of years pre-August 2012.
  - In December 2014 the Abbott Government passed legislation that restricted the definition of a refugee and introduced a second rate refugee determination process. This legislation was opposed by the opposition and only made it through the Senate by one vote. This new, unfair process:
    - Denies the right for meaningful review if their application is initially rejected.
    - Only grants people 3 or 5-year temporary protection visas, which do not allow for family reunion or for people to secure a stable future.
  - Successive governments have unfairly discriminated against this group of 24,500 people, denying many access to work rights, study, and financial support at different times since August 2012.
  - In 2015, the Government started to gradually invite people to apply for asylum through this new process, imposing a 60-day deadline.
- By early 2017, around half of the people in this group of roughly 24,500 people had been allowed to apply. In May 2017, the remaining people were all given a 1 October deadline to prepare their applications. The Government plans to deny any asylum process to people who are unable to meet this deadline.
- The Government chose to deny access to funded legal assistance for 80% of people who previously would have been eligible. This resulted in community legal centres as the only option for many, and with such a surge in demand for their services the chances of people going through this process totally unassisted further increased.
  - Temporary protection visas only apply to people who arrive without a visa - people who come with a visa are still granted permanent protection if their applications are accepted.
  - Temporary protection impedes the capacity for people to integrate and settle into our society. Temporary visas limit people's education and employment opportunities, remove the vast majority of pathways to citizenship, restrict people's freedom to travel to see their families, and don't allow people to bring any family members here.
  - It has been well-documented that temporary visas have harmful psychological effects, as a result of factors including a lack of certainty about the future, fear of being sent back to harm, and inability to properly build a new life.
  - People who have sought protection in our communities have historically been among our country's most successful social and economic contributors.
  - Our Government can choose to reinstate permanent protection visas for everyone who it grants asylum, so people can get on with rebuilding their lives and participate fully in our community.